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PUBLIC SERVICE  
COMMISSION

1578 Highway 44 East, Suite 6  
P.O. Box 369  
Shepherdsville, KY 40165-0369  
Phone (502) 955-4400 or (800) 516-4293  
Fax (502) 543-4410 or (800) 541-4410

July 8, 2004

**VIA OVERNIGHT MAIL**

Susan G. Hutcherson  
Filings Division Manager, Docket Branch  
Kentucky Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602-0615

Re: BellSouth Mobility, LLC, d/b/a Cingular Wireless – Kentucky  
PSC Case No.: 2004-00165  
Cingular Site Name: New Concord  
Federal Aviation Administration Approval  
Kentucky Airport Zoning Commission Approval

Dear Susan:

Please accept this letter and the attached documents as an official filing in the above-referenced Public Service Commission action. The Certificate of Public Convenience and Necessity issued in this action called for the Applicant to file a copy of the Federal Aviation Administration and Kentucky Airport Zoning Commission approvals once they were obtained. Copies of this relevant documentation are attached to this letter for inclusion in the official case file.

If you have any questions or comments concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Pike", written in a cursive style.

David A. Pike  
Attorney for BellSouth Mobility, LLC,  
d/b/a Cingular Wireless – Kentucky

Enclosures



**Kentucky Airport Zoning Commission**  
**200 Mero Street**  
**Frankfort, KY 40622**

(502) 564-4480  
fax: (502) 564-7953  
No.: AS-018-CEY-04-086

NEW  
CONCORD  
6.7

June 2, 2004

APPROVAL OF APPLICATION

APPLICANT:

Cingular Wireless LLC  
Margaret Colpa  
17330 Preston Road  
Suite 100A  
Dallas, TX 75252

SUBJECT: AS-018-CEY-04-086

STRUCTURE: Antenna Tower  
LOCATION: New Concord, KY  
COORDINATES: 36-32-49.72 N / 88-09-15.98 W  
HEIGHT: 270'AGL/692'AMSL

The Kentucky Airport Zoning Commission has approved your application for a permit to construct 270'AGL/692'AMSL Antenna Tower near New Concord, KY 36-32-49.72 N / 88-09-15.98 W.

This permit is valid for a period of 18 Month(s) from its date of issuance. If construction is not completed within said 18-Month period, this permit shall lapse and be void, and no work shall be performed without the issuance of a new permit.

A copy of the approved application is enclosed for your files.

Dual obstruction lighting is required in accordance with 602 KAR 50:100.

*for Alisha L*  
John Houlihan, Administrator



Kentucky Airport Zoning Commission
200 Mero Street
Frankfort, KY 40622

(502) 564-4480
fax: (502) 564-7953
No.: AS-018-CEY-04-086

CONSTRUCTION/ALTERATION STATUS REPORT

June 2, 2004

AERONAUTICAL STUDY NUMBER: AS-018-CEY-04-086

Cingular Wireless LLC
Margaret Colpa
17330 Preston Road
Suite 100A
Dallas, TX 75252

This concerns the permit which was issued to you by the Kentucky Airport Zoning Commission on June 2, 2004. This permit is valid for a period of 18 Month(s) from its date of issuance. If construction is not completed within the said 18-Month period, this permit shall lapse and be void, and no work shall be performed without the issuance of a new permit. When appropriate, please indicate the status of the project in the place below and return this letter to John Houlihan, Administrator, Kentucky Airport Zoning Commission, 200 Mero Street, Frankfort, KY 40622. (502) 564-4480.

STRUCTURE: Antenna Tower
LOCATION: New Concord, KY
COORDINATES: 36-32-49.72 N / 88-09-15.98 W
HEIGHT: 270'AGL/692'AMSL

CONSTRUCTION/ALTERATION STATUS

1. The project ( ) is abandoned. ( ) is not abandoned.

2. Construction status is as follows:

Structure reached its greatest height of \_\_\_\_\_ ft. AGL
\_\_\_\_\_ ft. AMSL on \_\_\_\_\_ (date).

Date construction was completed. \_\_\_\_\_

Type of obstruction marking/painting. \_\_\_\_\_

Type of obstruction lighting. \_\_\_\_\_

As built coordinates. \_\_\_\_\_

Miscellaneous Information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE \_\_\_\_\_

SIGNATURE/TITLE \_\_\_\_\_

INSTRUCTIONS INCLUDED

TC 56-50E (Rev. 06)

Kentucky Transportation Cabinet, Kentucky Airport Zoning Commission, 125 Holmes Street, Frankfort, KY 40622

Kentucky Aeronautical Study Number

**APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER A STRUCTURE**

AS-018-CEY-04-086

1. APPLICANT – Name, Address, Telephone, Fax, etc.  
**Margaret Colpa**  
 Cingular Wireless LLC  
 17330 Preston Road, Suite 100A  
 Dallas, TX 75252

9. Latitude: 36 ° 32 ' 49 . 72 "  
 10. Longitude: 88 ° 09 ' 15 . 98 "  
 11. Datum:  NAD83  NAD27  Other \_\_\_\_\_

2. Representative of Applicant – Name, Address, Telephone, Fax  
**Lisa Glass**  
 Cingular Wireless  
 5310 Maryland Way  
 Brentwood, TN 37027

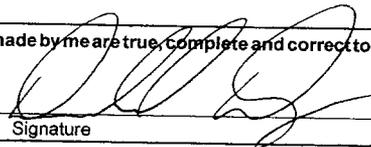
12. Nearest Kentucky City: New Concord County: Calloway  
 13. Nearest Kentucky public use or Military airport:  
Kyle-Oakley Field runway  
 14. Distance from #13 to Structure: 12.25 NM  
 15. Direction from #13 to Structure: 126 degrees

3. Application for:  New Construction  Alteration  Existing  
 4. Duration:  Permanent  Temporary (Months \_\_\_\_\_ Days \_\_\_\_\_)  
 5. Work Schedule: Start March 31, 2004 End March 31, 2005  
 6. Type:  Antenna Tower  Crane  Building  Power Line  
 Landfill  Water Tank  Other \_\_\_\_\_  
 7. Marking/Painting and/or Lighting Preferred:  
 Red Lights and Paint  Dual - Red & Medium Intensity White  
 White - Medium Intensity  Dual - Red & High Intensity White  
 White - High Intensity  Other \_\_\_\_\_  
 8. FAA Aeronautical Study Number \_\_\_\_\_

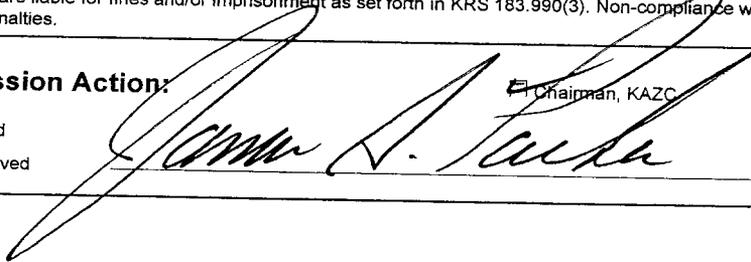
16. Site Elevation (AMSL): \_\_\_\_\_ 422.00 Feet  
 17. Total Structure Height (AGL): \_\_\_\_\_ 270.00 Feet  
 18. Overall Height (#16 + #17) (AMSL): \_\_\_\_\_ 692.00 Feet  
 19. Previous FAA and/or Kentucky Aeronautical Study Number(s): \_\_\_\_\_  
 20. Description of Location: (Attach USGS 7.5 minute Quadrangle Map or an Airport layout Drawing with the precise site marked and any certified survey)  
 Please see attached Topo Map

21. Description of Proposal:  
 Frequency list attached.  
 New Structure will be a 250 ft. tower with a 20 ft lightning rod. Overall tower tip will be 270 ft. AGL.  
 Market: Evansville  
 Site Name: New Concord

22. Has a "NOTICE OF CONSTRUCTION OR ALTERATION" (FAA Form 7460-1) been filed with the Federal Aviation Administration?  
 No  Yes, When March 31, 2004

**CERTIFICATION:** I hereby certify that all the above statements made by me are true, complete and correct to the best of my knowledge and belief.  
Donald Day (on behalf of Cingular Wireless)   
 Printed Name and Title Signature Date March 31, 2004

PENALTIES: Persons failing to comply with Kentucky Revised Statutes (KRS 183.861 through 183.990) and Kentucky Administrative Regulations (602 KAI 050:Series) are liable for fines and/or imprisonment as set forth in KRS 183.990(3). Non-compliance with Federal Aviation Administration Regulations may result in further penalties.

**Commission Action:**  
 Approved  Disapproved  Chairman, KAZC  Administrator, KAZC  
 Date 6/2/04



Federal Aviation Administration  
Southern Regional Office  
1701 Columbia Avenue-ASO-520  
College Park, GA 30337

Aeronautical Study No.  
2004-ASO-2079-OE

Issued Date: 5/3/2004

Kimberlyn Russell  
Cingular Wireless  
17330 Preston Road, Suite 100A  
Dallas, TX 75252

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure Type: Antenna Tower  
Location: New Concord, KY  
Latitude: 36-32-49.72 NAD 83  
Longitude: 88-9-15.98  
Heights: 270 feet above ground level (AGL)  
692 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure should be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1 AC 70/7460-1K Change 1, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12.

It is required that the enclosed FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

\_\_\_ At least 10 days prior to start of construction  
(7460-2, Part I)

X Within 5 days after the construction reaches its greatest height  
(7460-2, Part II)

As a result of this structure being critical to flight safety, it is required that the FAA be kept appraised as to the status of the project. Failure to respond to periodic FAA inquiries could invalidate this determination.

While the structure does not constitute a hazard to air navigation, it would be located within or near a military training area and/or route.

This determination expires on 11/3/2005 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (404)305-5579. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2004-ASO-2079-OE.

**Signature Control No: 379257-272825**

(DNE)

Earl P. Newalu Jr.  
Specialist

Attachment(s)  
Case Description  
Frequency Data

7460-2 Attached

**Case Description for ASN 2004-ASO-2079-OE**

New 250` tower with 20` lightning rod. Overall height will be 270 ft. AGL.

Frequency Data for ASN 2004-ASO-2079-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W